

# SPECIAL REPORT

Exhibit 4:

Affidavit of  
Grievance Coordinator

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**JERARD DAVIS,**

**Plaintiff,**

**vs.**

**Case No. CIV-17-217-RAW-SPS**

**RAYMOND GLORIA, ET AL.,**

**Defendants.**

**AFFIDAVIT**

**State of Oklahoma**            )  
  ) ss:  
**Hughes County**             )

COMES NOW Terry Underwood, having been previously sworn, and stating as follows:

1. I am the Grievance Coordinator at Davis Correctional Facility, Holdenville, Oklahoma. I am employed by CoreCivic (formerly “Corrections Corporation of America,”) a corporation with its principal offices located in Nashville, Tennessee. CoreCivic owns and operates the Davis Correctional Facility.

2. Jerard Davis DOC #688165 was housed at Davis Correctional Facility, Holdenville, Oklahoma pursuant to a contract between Corrections Corporation of America, Inc., and the Oklahoma Department of Corrections.

3. I have been employed at Davis Correctional Facility for approximately 19 years. I became the Grievance Coordinator at the Davis facility during September 2012. As part of my duties in this position, I maintain all the grievance records and logs for the prison facility. I am familiar with the grievance process and the Oklahoma DOC administrative remedies policy.

4. An administrative remedies grievance policy is available for inmate use at Davis Correctional Facility. The policy is Oklahoma DOC’s grievance policy, OP-090124. The

Oklahoma DOC administrative remedies policy clearly sets out the steps an inmate must follow to exhaust administrative remedies.

5. I have made diligent search of the facility's grievance records and the grievance logs for records and log entries related to inmate Jerard Davis DOC #688165. I understand the allegations made by Mr. Davis in his complaint filed with the District Court assert that the named Defendants used excessive force against him during a housing unit cell response.

6. My search of the administrative remedies records I maintain for the Davis Correctional Facility showed Mr. Davis did not file any grievances related to the incident which occurred on December 29, 2016.

7. I understand that Mr. Davis alleges he attempted to file a grievance between December 29, 2016 and January 3, 2017, but that he was unable to do so because he was on property restriction and was denied the appropriate forms.

8. OP-090124(IV)(C)(3) indicates that a Request to Staff must be filed within seven (7) days of an incident. Even Mr. Davis' assertion was true regarding his access to forms, he would still have had two days after he came off of property restriction during which he could have submitted a Request to Staff.

9. The necessary administrative remedies forms were available on that housing unit during the complained-of time. When I reviewed the grievance records and logs to determine whether Mr. Davis had filed any grievance related to the incident of December 29, 2016, I noted filed and logged grievances from other inmates housed on the Fox Charlie housing unit during December 2016 and January 2017.

10. The Oklahoma DOC administrative remedies policy provides relief to an inmate who was unable to file a grievance through no fault of his own. At ¶XII of OP-090124, the

Policy states that if a grievance has been denied by the reviewing authority and the ARA due to the grievance not being submitted in a timely manner, the offender may make a request to submit a grievance out of time by submission of a "Request to Submit a Grievance or Appeal Out of Time". The request may be submitted directly to the Oklahoma DOC Administrative Review Authority and must be received by them within 15 days of the date of denial of the untimely grievance. To the best of my knowledge, information, and belief, Mr. Davis did not submit such a request to Oklahoma DOC.

Further Affiant Sayeth Not.

  
TERRY UNDERWOOD

Subscribed and sworn to before me this 2 day of November 2017, by Terry Underwood.

  
NOTARY PUBLIC

My Commission expires: 11/09/19  
My Commission number: 15010243

